

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOSHE KOPLOWITZ,

Plaintiff,

v.

LABATON SUCHAROW LLP,

Defendant.

Case No: 10- CV-5176(KMW)

**STIPULATION AND  
[PROPOSED] ORDER OF  
DISCONTINUANCE WITH  
PREJUDICE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the parties to this action stipulate to the dismissal of this entire action, on the merits, and with prejudice as to all claims, each party to bear its own attorneys' fees and costs, except as provided by agreement.

/s/ Maimon Kirschenbaum

D. Maimon Kirschenbaum

Denise A. Schulman

Charles E. Joseph

JOSEPH, HERZFELD, HESTER &

KIRSCHENBAUM LLP

757 Third Avenue

25th Floor

New York, NY 10017

Tel: (212) 688-5640

Fax: (212) 688-2548

Attorneys for the Plaintiff

/s/ Sam S. Shaulson

Sam S. Shaulson

MORGAN, LEWIS & BOCKIUS, LLP

101 Park Avenue

New York, NY 10176

Phone: (212) 309-6000

Fax: (212) 309-6001

Christopher K. Ramsey (*pro hac vice*)

MORGAN, LEWIS & BOCKIUS, LLP

One Oxford Centre, 32nd Floor

Pittsburgh, PA 15219

Phone: (412) 560-3300

Fax: (412) 560-7001

Attorneys for Defendant

DATED: \_\_\_\_\_

**SO ORDERED:**

\_\_\_\_\_  
KIMBA M. WOOD, U.S.D.J.